

ORIGINAL

91571

APR 15 1980

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JAMES L. ROSSI, an individual, doing business as ROSSI TRANSPORT SERVICE, for a Certificate of Public Convenience and Necessity authorizing the Transportation of general commodities, with certain exceptions, between certain points within the State of California.

Application No. 58323
(Filed August 29, 1978;
amended October 30, 1979)

O P I N I O N

Applicant operates in intrastate commerce pursuant to highway contract carrier and agricultural carrier permits issued by the Commission. It provides no service in interstate or foreign commerce. By this application, as amended, it seeks a certificate of public convenience and necessity to transport agricultural implements, set up or knocked down buildings, conduit or pipe, lumber, roofing and roofing tile, machinery, and iron or steel articles within and between the San Francisco and the Los Angeles Basin Territories and between numerous points and along various routes, with 25-mile laterals, generally from Eureka and Redding, on the north, to El Centro and Blythe, on the south. The proposed authority includes restrictions that all shipments shall be subject to a minimum weight of 20,000 pounds and that no temperature control or refrigerated service shall be rendered. No interstate or foreign commerce authority is sought by applicant.

The application states as follows: (1) applicant has been providing for-hire transportation service within California for a substantial period of time; (2) the demand by the public for the

specialized service for which authority is sought has been continually increasing; (3) as a result, the frequency and regularity of this operation may be reaching the point where a highway common carrier certificate is appropriate; (4) it is reasonable to anticipate that this trend will continue; (5) the proposed service would be on a daily on-call basis, Monday through Friday, with service on Saturday or Sunday available upon request; and (6) applicant has sufficient equipment and the financial ability to provide the proposed service, and he will add to his fleet should the demands of the shipping public require. As of March 31, 1978, he had assets of \$704,128, liabilities of \$216,889, and a net worth of \$487,239. For the fiscal year ending March 31, 1978, his net profit, after taxes, was \$24,461.

The application, as originally filed, sought an unrestricted general commodities certificate, and it was protested by Bayview Trucking, Inc. By letter dated February 1, 1980, Bayview Trucking, Inc. advised the Commission that it had no objection to the limited certificate now sought in the amendment. The amendment to the application was served in accordance with the Commission's procedural rules, and it was listed on the Commission's Daily Calendar. There are no protests to the limited certificate now sought in the application, as amended. We are of the opinion that the application, as amended, should be granted.

Findings of Fact

1. Applicant has the experience, equipment, financial resources, and ability to provide the proposed service.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
3. Public convenience and necessity require the proposed operation.
4. A public hearing is not necessary.

Conclusion of Law

The application should be granted as set forth in the ensuing order.

James L. Rossi, doing business as Rossi Transport Service, is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to James L. Rossi, doing business as Rossi Transport Service, authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

/hh

JAMES L. ROSSI
(an individual)
doing business as
ROSSI TRANSPORT SERVICE

Appendix A

Original Page 1

James L. Rossi, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of specific commodities set forth in Paragraph I hereof:

- I. Carrier is authorized to transport the commodities named below subject to the following conditions:
 - A. All shipments shall be subject to a minimum weight of 20,000 pounds for transportation rate purposes.
 - B. No temperature control or refrigerated service shall be rendered.
 - C. The following specific commodities are authorized to be transported under this certificate:
 1. Agricultural implements.
 2. Buildings, SU, KD, of metal, wood, plastic, or metal, wood and plastic combined.
 3. Conduits or pipe, metal, bituminous fibre, or plastic.
 4. Conduits or roofing tile, earthenware.
 5. Lumber.
 6. Roofing.
 7. Machinery.
 8. Iron or Steel articles.
- II. Between all points and places in the San Francisco Territory as described in Note A hereof; and
- III. Between all points and places in the Los Angeles Basin Territory as described in Note B hereof; and
- IV. Between all points and places in the San Francisco Territory, on the one hand, and, on the other hand, all points and places in the Los Angeles Basin Territory; and

Issued by California Public Utilities Commission.

Decision 91571, Application 58323, as amended.

JAMES L. ROSSI
(an individual)
doing business as
ROSSI TRANSPORT SERVICE

Appendix A

Original Page 2

- V. Between Arcata, Blythe, El Centro, Eureka, Paso Robles, Redding, all points and places in the San Francisco Territory and in the Los Angeles Basin Territory, on the one hand, and, on the other hand, all points and places located on or within twenty-five (25) statute miles laterally of the following routes:
- (a) U.S. Highway 101 between Los Angeles and Arcata, inclusive;
 - (b) Interstate Highway 10 between Blythe and Los Angeles, inclusive;
 - (c) State Highway 111 between Brawley and Indio, inclusive;
 - (d) State Highway 86 between El Centro and Coachella, inclusive;
 - (e) Interstate Highway 5 (including Temporary IH-5) between Los Angeles and Redding, inclusive;
 - (f) Interstate Highway 80 between Richmond and Sacramento, inclusive;
 - (g) State Highways 17 and 238, thence Interstate Highway 580 between Oakland and the junction of Interstate Highways 580 and 5, inclusive;
 - (h) Interstate Highway 205 between its junction with Interstate Highway 5 and its junction with Interstate Highway 580, inclusive;
 - (i) State Highway 99 to Red Bluff, thence Interstate Highway 5 between Wheeler Ridge and Redding, inclusive;
 - (j) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive;
 - (k) State Highway 46 between Paso Robles and its intersection with State Highway 99 (near Famoso), inclusive;

Issued by California Public Utilities Commission.

Decision 91571, Application 58323, as amended.

JAMES L. ROSSI
(an individual)
doing business as
ROSSI TRANSPORT SERVICE

Appendix A

Original Page 3

- (l) State Highway 198 between its intersection with U.S. Highway 101 (near San Lucas) and its intersection with State Highway 99 (near Goshen), inclusive;
- (m) State Highway 152 between Gilroy and Chowchilla, inclusive;
- (n) State Highway 299 between Arcata and Redding, inclusive.

VI. Carrier may provide service between any two points named herein whether named in one or more than one of the above-numbered paragraphs.

In performing the service herein authorized, the carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

NOTE A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along

Issued by California Public Utilities Commission.

Decision 91571, Application 58323, as amended.

JAMES L. ROSSI
(an individual)
doing business as
ROSSI TRANSPORT SERVICE

Appendix A

Original Page 4

Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street;

Issued by California Public Utilities Commission.

Decision 91571, Application 58323, as amended.

JAMES L. ROSSI
(an individual)
doing business as
ROSSI TRANSPORT SERVICE

Appendix A

Original Page 5

southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 91571, Application 58323, as amended.